

This meaning is clearly defined in the specification. For example, at page 9, lines 5-17, in the form of a different tense of the word (“promoted”):

As used herein, “promoted” includes all methods of doing business including methods of education, hospital and other clinical instruction, pharmaceutical industry activity including pharmaceutical sales, and any advertising or other promotional activity including written, oral, and electronic communication of any form, associated with compositions of the invention in connection with treatment of neurological disease. “Instructions” can and often do define a component of promotion, and typically involve written instructions on or associated with packaging of compositions of the invention. Instructions also can include any oral or electronic instructions provided in any manner. The “kit” typically, and preferably defines a package including both any one or a combination of the compositions of the invention and the instructions, but can also include the composition of the invention and instructions of any form that are provided in connection with the composition in a manner such that a clinical professional will clearly recognize that the instructions are to be associated with the specific composition.

In view of proper attribution of this definition to the term “promoting” in claim 22, it is believed that all rejections are improper. Each will be addressed briefly, and separately, below.

Rejection of claims 3-4, 15, 16, and 20-22 under 35 U.S.C. §112

Reconsideration of the rejection of the above claims under 35 U.S.C. §112, first paragraph is requested. The Patent Office believes that the specification is not enabling for “promoting the inhibition of beta-amyloid aggregate formation.”

With proper attribution of the specification’s definition of “promoting” to the claim language, it is not seen how this rejection is proper. Withdrawal or clarification is respectfully requested.

Rejection of claims 4 and 22 under 35 U.S.C. §102(b)

Reconsideration is requested of the rejection of claims 4 and 22 under 35 U.S.C. §102(b) as being anticipated by Asthana, et al.

It is believed that the Patent Office is using an incorrect definition of “promoting” in stating that the claimed invention is inherent to the referenced teaching of administering physotigmine to patients having Alzheimer’s disease.

Even if the claim is analyzed using the definition of “promoting” assumed by the Patent Office, the Applicants do not agree with the accuracy of the rejection. But with “promoting” defined properly, it is not seen where Asthana et al. teach or suggest promoting inhibition or treatment of beta-amyloid aggregate formation in any way. On this basis, it is believed that the rejection is improper, and it is respectfully requested that the rejection be withdrawn.

Rejections of claims 3 and 15-16 under 35 U.S.C. §103(a)

Reconsideration is requested of the rejection of claims 3 and 15-16 under 35 U.S.C. §103(a) as being unpatentable over Asthana, et al. in view of Giacobina, et al.

It is believed that the 103 rejection is based upon an incorrect interpretation of the meaning of the word “promoting,” as discussed above. Attributing a proper definition to “promoting,” it is believed that the rejection is improper, and it is respectfully requested that the rejection be withdrawn. Toward this end, the Applicants repeat their remarks from above in connection with Asthana, et al., and do not observe any disclosure of Giacobina, et al., that remedies this deficiency.

Withdrawal of the rejection is respectfully requested.


**CONCLUSION**

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Bamdad et al., Applicant(s)*

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